

Reply to Office Action
Serial Number 10/692,967
Customer No.: 33354

REMARKS

A. Status of Claims

Claims 1-20 were previously cancelled. Claims 21-40 are pending. The Examiner has indicated that claim 40 is allowed. Claims 21, 24, 25, 31, 32, 35, 36, 38, and 39 have been amended. Claims 23, 27, 28, 33, 34, and 37 are cancelled.

B. Telephonic Interview

Applicants thank the Examiner for his time and helpful comments during the telephonic interview conducted with Applicants' representative (Damon Ashcraft) on November 17, 2005. During that interview as noted on the Examiner's Interview Summary, the Examiner agreed that amending the claims to recite a frame with interior and exterior sides that further comprises two barrier sheets that cover the planar barrier on both sides would overcome the art of record. See the Interview Summary.

In response, Applicants have amended claims 21 and 31, to recite the limitation of a frame with an interior and exterior side that further comprises a barrier sheet attached to each side to cover the planar barrier. Specifically, Applicants have amended claim 21 to include limitations that were in claims 27 and 28 and therefore have cancelled claims 27 and 28. Similarly, Applicants have amended claim 31 to include the limitations of claim 34 and cancelled claim 34.

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C. Allowable Subject Matter

Applicants thank the Examiner for indicating that claim 40 is allowable as written.

D. § 102 Rejections Citing Dobson

The Examiner has rejected claims 31, 32, 36 and 37 under 35 USC §102(b) as being anticipated by U.S. Patent No. 4,666,129 to Dobson (Dobson). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Verdegaal Brothers, Inc. v. Union Oil Co. of California, 2 USPQ2nd 1051 at 1053 (Fed. Cir. 1987).

Dobson does not disclose a planar barrier that is disposed within a frame having top, bottom, and side portions to define an opening with barrier sheets attached to the interior and exterior side of the frame. Applicants have amended claim 31 to include a frame that has a top, bottom and two side portions to define an opening. Claim 31 has also been amended to recite that the cutters are razors to more accurately describe what Applicants regard as their invention. Finally, as discussed in the interview, claim 31 has also been amended to include a limitation that the frame further comprises an interior and exterior side with a barrier sheet attached to each side to cover the planar barrier. Therefore, Claim 31 is not anticipated by Dobson and the Examiner is respectfully requested to withdraw this rejection and allow claim 31.

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The Examiner is also requested to allow claims 32, 35, 36, and 38-39 due to their dependency on claim 31.

Claim 36 has been amended to claim that at least one of the sheets is plastic. No new matter has been added; this amendment is supported at paragraph 0018 in the specification.

Claims 33, 34 and 37 are canceled and the rejection of these claims is moot.

E. § 102 Rejections Citing Catalano

The Examiner has rejected claims 21-24, 26-35, 38, and 39 under 35 USC §102(b) as being anticipated by U.S. Patent No. 2,990,880 to Catalano, et al. (Catalano). Again, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Brothers, Inc.*, 2 USPQ2d at 1053.

Applicants and the Examiner disagree as to whether Catalano discloses "cutters." Applicants simply do not agree with the Examiner that flanges could cut an intruder or that this qualifies them as "cutters." Nevertheless, to resolve this matter, Applicants have made an additional amendment to claim 21 to recite that the cutters are barbs and to claim 31 to recite that the cutters are razors. Catalano does not disclose a barrier with either barbs or razors. Therefore claims 21, 31, and their dependencies are not anticipated by Catalano. Moreover, Catalano does not disclose a frame with an interior and exterior side that further comprises a barrier sheet attached to each side.

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Therefore, the Examiner is respectfully requested to withdraw this rejection of independent claims 21 and 31. The Examiner is also requested to withdraw this rejection of dependent claims 22, 24, 26, 27, 29, 30, 32, 35, 38, and 39 based on their dependency on allowable base claims. Claims 23, 28, 33, and 34 are cancelled and the rejection of these claims is moot.

F. § 103 Rejections Citing Catalano

The Examiner has rejected claim 25 under 35 USC §103(a) as being obvious in light of Catalano. Specifically, the Examiner argues that substituting plastic for the claimed limitation of a glass barrier sheet would be obvious as plastic is a known material suitable for Applicants' intended use.

Claim 25 depends from claim 21. As discussed above, amended claim 21 is believed to be allowable as written and claim 25 should also be allowable based on its dependency on claim 21. Therefore, the Examiner is respectfully requested to withdraw this rejection as well.

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CONCLUSION

Applicants respectfully submit that all rejections have been addressed.

Applicants respectfully request that the Examiner allow the application to proceed to allowance. If the Examiner has any questions or suggestions to place the application in even a better condition for allowance, he is requested to call Damon Ashcraft at 602-681-3331.

1/5/06
Dated

Respectfully submitted,

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